

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
(410) 962-0782
(410) 962-2698 FAX

June 23, 2014

MEMO TO COUNSEL RE: Duane Hooker v. CitiMortgage, Inc., et al.
Civil No. JFM-14-1378

Dear Counsel:

I have reviewed the memoranda submitted in connection with defendant CitiMortgage, Inc.'s motion to dismiss.

The motion (document 8) is denied. Ultimately, CitiMortgage's position may be correct. However, I am not convinced that paragraph 7 of the Deed of Trust authorized CitiMortgage to enter the subject property without notice to plaintiff for a purpose other than to make repairs. I recognize that the word "include" used in paragraph 7 does not *ipso facto* preclude actions that are not thereafter listed. However, it may be that paragraph 7, reasonably construed, authorizes CitiMortgage to enter the property only for the purpose of making repairs in light of the fact that it is not clear that any action other than making repairs would be necessary to protect the value of the property and lender's rights in the property.

Because plaintiff's claim against CitiMortgage is not being dismissed and because Safeguard Properties has filed an answer, I am persuaded that the efficient resolution of this litigation would best be served by the conducting of discovery to explore the relationship between CitiMortgage and Safeguard before definitively ruling upon the claims asserted in counts II and III.

A conference call will be held on July 7, 2014 at 4:30 p.m. to discuss the appropriate schedule in this case. I ask counsel for plaintiff to initiate the call.

Enclosed is a tentative scheduling order with approximate dates for your information. Please consult with one another before the call and be prepared to discuss whether you would like to participate in a settlement conference either before or after the completion of discovery, any changes to the dates in the form scheduling order, and whether there is unanimous consent to proceed before a U.S. Magistrate Judge for all proceedings.

Also enclosed is a letter regarding a call-in hour program for the resolution of discovery disagreements.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge